

EXHIBIT 1

James Maxwell Judge
May 26, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

HILLTOP CHURCH OF THE)	
NAZARENE,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 6:21-CV-00322-JCB
)	
CHURCH MUTUAL INSURANCE)	
COMPANY,)	
)	
Defendant.)	

ORAL VIDEOTAPED ZOOM DEPOSITION

JAMES MAXWELL JUDGE

May 26, 2022

ORAL VIDEOTAPED ZOOM DEPOSITION OF JAMES MAXWELL JUDGE, produced as a witness at the instance of the Defendant and duly sworn, was taken in the above-styled and numbered cause on the 26th day of May, 2022, from 9:36 a.m. to 11:34 a.m., via Zoom, before Debra K. Zebert, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

James Maxwell Judge
May 26, 2022

Page 4

1 THE VIDEOGRAPHER: Okay. We're on the
2 record at 9:36. Today's date is May 26th, 2022. This
3 is the video deposition of James Maxwell Judge, in the
4 matter of Hilltop Church of the Nazarene v. Church
5 Mutual Insurance Company, Case No. 6:21-CV-00322-JCB.
6 Will counsel state your appearances for the record.

7 MR. CIRCELLI: Vinny Circelli, on behalf
8 of Plaintiff.

9 MS. BRUNING: Lindsey Bruning and Kiri
10 Deonarine, on behalf of Church Mutual Insurance Company.

11 THE VIDEOGRAPHER: Thank you very much.
12 Will the reporter please swear in the witness.

13 THE COURT REPORTER: Yes. I have a brief
14 read-on. I'm Kathy Zebert, the reporter for today's
15 deposition. Do counsel stipulate and agree that I may
16 administer the oath remotely and that the oath so given
17 is valid for all purposes of this deposition?

18 (All counsel stipulate.)

19 JAMES MAXWELL JUDGE,
20 having been first duly sworn, testified as follows:

21 EXAMINATION

22 BY MS. BRUNING:

23 Q. All right. Mr. Judge, my name is Lindsey
24 Bruning. I work for Church Mutual Insurance Company in
25 this case. We've not met before, correct?

James Maxwell Judge
May 26, 2022

Page 32

1 Q. Would it have been Clayton Fourniquet?

2 A. It may have been.

3 Q. Did you speak with anybody or interview anybody
4 from the church regarding the damage or the date of
5 loss?

6 A. No, I just -- he allowed us into the building
7 and showed us any places where he had water stains on
8 the ceiling, where -- the evidence of a leak coming
9 through from the roof. And we went through the
10 building, and he kind of -- he directed us to those
11 places and knew where the light switches were and the
12 doors, and so he was very helpful.

13 Q. Okay. But in terms of specifically discussing
14 the date of loss or the cause of damage, you didn't talk
15 to anybody from the church regarding that?

16 A. No. He may have made a general reference to
17 it, but to my knowledge, he didn't have any specific
18 information.

19 Q. Okay. Okay. So when you went out at your
20 inspection, do you start with the exterior, the
21 interior -- interior? How do you -- or how did you
22 conduct the inspection in this case?

23 A. That's usually what we do. We'll photograph
24 the exterior of the building and -- and look at that,
25 and then we'll -- the elevations. Then we'll get up on

James Maxwell Judge
May 26, 2022

Page 33

1 the roof, and then we'll come down and we'll go and look
2 on the interior.

3 Q. Okay. So exterior elevations, then the roof
4 and then the interior?

5 A. Yes, ma'am.

6 Q. All right. So I'm going to go into your
7 report, into your evaluation, conclusions and repair
8 recommendations. You concluded that "multiple recent
9 hail penetrations consistent with the March 2019 storm
10 event." That was one of your conclusions; is that
11 correct?

12 A. Yes, ma'am.

13 Q. Okay. Can you explain specifically the damage
14 that you identified to the roofing?

15 A. We found hail damage. We found wind damage,
16 and we found prior repairs to the roof in multiple
17 locations. And in my opinion, the shingles were too
18 brittle to repair. I don't think the roof was
19 repairable just because of the brittleness of the
20 shingles.

21 Q. And in terms of the hail damage, can you
22 describe the damage that you saw, that you identified?
23 What -- how do you know that it's hail damage?

24 A. We look for bruises, we look for missing
25 granules, we look for depression. Any of those

James Maxwell Judge
May 26, 2022

Page 37

1 a chalk circle around it. You can see where the bottom
2 corner of that shingle has -- has been broken off by an
3 impact of some sort, and we would attribute that to
4 hail. We've got wind where some of the missing shingles
5 are there, the drip edge in the top right-hand
6 photograph. And then the -- the area there on the
7 bottom left hand, some more shingles have been unsealed.
8 And that's up near the ridge where it's very typical,
9 that's where you have the most wind. And that's a
10 pretty common thing on any kind of storm that's -- you
11 can have high winds, but it's going to be the highest
12 near the ridge.

13 **Q. So this -- this damage, you're referring**
14 **specifically to this --**

15 **A. That area, yes, ma'am.**

16 **Q. That area right there. Okay. And is -- were**
17 **those shingles repaired?**

18 **A. I can't tell you that.**

19 **Q. Okay. Because they're a different color than**
20 **the rest of the roof. So I was trying to figure out why**
21 **they're a different color. You don't know anything**
22 **about that?**

23 **A. I -- you know, there's any number of reasons**
24 **that could lead to that, and -- but that's -- we've got**
25 **shingles at a place that's susceptible to high wind, and**

James Maxwell Judge
May 26, 2022

Page 42

1 do you rule out other causes of these -- this impact,
2 like in the lower left-hand corner?

3 A. I don't know anything that's going to cause
4 that other than hail damage.

5 Q. You don't know any other cause of -- anything
6 else that could cause impact damage other than hail?

7 MR. CIRCELLI: Objection, form.

8 A. If someone walked up the valley, they could
9 cause damage via foot traffic, but I don't think it
10 would present that way. It would be a tear and wouldn't
11 cut out a crescent like that. That's like a golf ball
12 hit the roof or a hailstone, and it hit right on the
13 edge of the shingle.

14 BY MS. BRUNING:

15 Q. Okay. Have you looked -- have you seen the --
16 the expert report from Church Mutual's engineer or
17 expert that Church Mutual hired from EFI Global?

18 A. I've seen EFI Global reports before. I don't
19 recall whether I saw one on this property or not.

20 Q. And he reported in -- on this property, he
21 reported very widespread granule loss throughout the
22 roof and attributed it to, you know, basically, it's a
23 15-plus-year roof and discussed ventilation and things
24 like that and blistering from -- from excessive heat.

25 Did you -- have you done any analysis of any

James Maxwell Judge
May 26, 2022

Page 43

1 causes of the damage that you saw up there in those
2 terms? Did you look at any of those types of causes?

3 MR. CIRCELLI: Objection, form.

4 A. Well, it does have ventilation. We'd have to
5 have an engineer to determine whether the ventilation it
6 has is adequate, but it does have ventilation. So I
7 wouldn't think you would have excessive heat that would
8 have damaged the shingles, but they do live in an
9 environment where the heat is -- they're sustained to an
10 abrasive brace environment, heat being one of the
11 components. Excessive is another issue.

12 As far as, you know, the granules being lost,
13 you can have scouring from hail. You're going to lose
14 granules over time. That's just a natural process of
15 the aging of the shingles. And -- but you can
16 accelerate that with hail, even small, pea-size hail
17 that wouldn't cause the impact damage that we have here.
18 We refer to that as scouring, and when you have an
19 excessive amount of granules that are lost, you expose
20 the asphalt, and it would accelerate that deterioration.
21 So scouring, small hail, can be just as damaging to a
22 shingle roof as -- as what the larger hail is.

23 BY MS. BRUNING:

24 Q. And -- but did you do any kind of analysis to
25 rule out any of these other -- any other causes in terms

James Maxwell Judge
May 26, 2022

Page 71

I, JAMES MAXWELL JUDGE, have read the foregoing
deposition and hereby affix my signature that same is
true and correct, except as noted above.

JAMES MAXWELL JUDGE

THE STATE OF _____)
COUNTY OF _____)

Before me, _____, on this day
personally appeared JAMES MAXWELL JUDGE, known to me or
proved to me on the oath of _____ or through
_____ (description of identity card
or other document) to be the person whose name is
subscribed to the foregoing instrument and acknowledged
to me that he/she executed the same for the purpose and
consideration therein expressed.

Given under my hand and seal of office on this _____
day of _____, _____.

NOTARY PUBLIC IN AND FOR
THE STATE OF _____

My Commission Expires: _____



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James Maxwell Judge
May 26, 2022

Page 72

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2
3
4
5
6
7
8 I declare under penalty of perjury that the
9 foregoing is true and correct.

10
11 _____
12 JAMES MAXWELL JUDGE
13
14

15 SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned
16 authority, by the witness, JAMES MAXWELL JUDGE, on this
17 the ____ day of _____, ____.

18
19 _____
20 NOTARY PUBLIC IN AND FOR
21 THE STATE OF _____
22

23 My Commission Expires: _____
24
25



James Maxwell Judge
May 26, 2022

Page 73

REPORTER'S CERTIFICATE

ORAL VIDEOTAPED DEPOSITION OF JAMES MAXWELL JUDGE

May 26, 2022

I, the undersigned Certified Shorthand Reporter in
and for the State of Texas, certify that the facts
stated in the foregoing pages are true and correct.

I further certify that I am neither attorney or
counsel for, related to, nor employed by any parties to
the action in which this testimony is taken and,
further, that I am not a relative or employee of any
counsel employed by the parties hereto or financially
interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal of
office on this the 10th day of June,
2022.



Debra K. Zebert, BS, RPR, CSR
RPR No. 839015
Expiration: 12/31/22